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10/014,293	12/11/2001	Vij Rajarajan	MS167412.2/40062.148USU1	3141

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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/014,293

Applicant(s)

RAJAJARAN ET AL.

Examiner

Duyen M. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

***Claims 1-21 are presented for examination.***

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-21 rejected on the ground of nonstatutory double patenting over claims 1-27 of U. S. Patent No. 6,996,778 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming

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common subject matter, as follows: receiving a request to perform a management task, the task information is related to network resources, determine which resource to call in response to the request and sending task request to the determined resource to perform the management task.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,8,13-16,18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Golson et al (us pat 5,761,505) (hereinafter Golson).

As regarding claim 1 and 8, Golson discloses receiving information from a first resource related to a first task, the first task information for a first managed object of a predetermined object type (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60, computers in the network share resources in the network, each resource has associated task); receiving information from a second resource related to a second task, the second task associated with the first managed object

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(col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60, computers in the network share resources in the network, each resource has associated task); storing the information received from the second resource in association with the information received from the first resource (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60, resource database); receiving a request to perform the management task in relation to the first managed object (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60); determining which resource to call in response to the request (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60); and sending a task request to the determined resource to perform the management task (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

As regarding claims 13, Golson discloses receiving a notification that a new resource has been installed on the network environment (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60, new resource types are added to the network), the installation process including communication information with the new resource (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60, modifying the configuration data so that the data is current and accurate); retrieving task information associated with new resource (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60); storing the task information associated with the new resource (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60); and sharing the task information with another

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resource on the network (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

As regarding claim 14, Golson discloses wherein the notification includes the task information (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

As regarding claim 15, Golson discloses determining whether the task information relates to an existing managed object type; if so, associating the task information with the existing object type; and if not, associating the task information with a new object type (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

As regarding claim 16, Golson discloses receiving a request to perform a management task with respect to an object type; and performing the management task with respect to all instances of the object type (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

As regarding claim 18, Golson discloses a management module in communication with the plurality of resources, the management module capable of receiving a request to access information related to one or more of the plurality of resources and to receive task information from the plurality of resources (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60); and in response to the receipt of a request to perform a task, the management module performing task functions on more than one resource (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

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As regarding claim 19, Golson discloses wherein the management module comprises a task manager to receive and store task information, the task manager further communicates with the resources to perform the management task (col.1, lines 35-65; col.2, lines 20-61; col.5, lines 18-27, lines 57-67; col.7, lines 53-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7,9-12,17,20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golson (us pat 5,761,505) in view of Burkett (us pat 6,678,889).

As regarding claim 2, Golson discloses the invention substantially as claimed, but Golson does not disclose receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information.

Burkett teaches receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine to the teaching of Burkett to the method of Golson to display the task information related to the object because by displaying task information related to first object would allow to support the launching of multiple application program and tasks share by users of a computer network (see Burkett col.1, lines 10-13).

As regarding claim 3, Golson-Burkett discloses receiving static task information related to the object type of the first managed object (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61); storing the static task information in a task store (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61); receiving dynamic task information related to the first managed object, the dynamic task information including a task handler identification within the back-end resource (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61); and in response to the request to display task information, displaying both static and dynamic task information (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 3.

As regarding claim 4, Golson-Burkett discloses wherein the task handler identification is a pointer to some executable code on the first resource (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 4.



As regarding claim 5, Golson-Burkett discloses wherein the task handler identification relates to executable code on the first resource and the second resource (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 5.

As regarding claim 6, Golson-Burkett discloses in response to the request to display task information, retrieving static task information from the task store (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61); sending a request for dynamic task information to one of the resources using the handler identification, the request including instance information for the first managed object (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61); and receiving dynamic task information for the instance of the first managed object (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 6.

As regarding claim 7, Golson-Burkett discloses associating a first management task with a second management task; and storing a script function, wherein the script function is callable and performs both the first management task and the second management task (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 7.

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As regarding claims 9-12 the limitations are similar to claims 2-7, therefore rejected for the same rationale as claims 2-7.

As regarding claim 17, Golson-Burkett discloses receiving a request to display available tasks for an object type; and displaying the management tasks available with respect to the object type (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 17.

As regarding claim 20, Golson-Burkett discloses each of the plurality of resources provides information to the task manager in XML format (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61), XML is used because XML markup tags can be unlimited and can be self-defining (see Burkett col.3, lines 58-67, col.4, lines 1-15).

As regarding claim 21, Golson-Burkett discloses a scripting manager for combining multiple tasks into a single script function (see Burkett, col.1, lines 16-38, col.1, lines 57-67; col.5, lines 60-67; col.7, lines 48-65; col.8, lines 57-61). The same motivation was utilized in claim 2 applied equally well to claim 21.

### ***Response to Arguments***

Applicant's arguments, see remark, filed 12/23/05 with respect to the rejection(s) of claim(s) 1-21 under Dardinski and Culbert have been fully considered and are

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persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Golson and Burkett.

See the above rejection for more detail.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143

  
DAVID WILEY  
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